

Minutes of Meeting
Health Services Council
Project Review Committee-II

DATE: 13 January 2005

TIME: 3:00 PM

LOCATION: Health Policy Forum

ATTENDANCE:

Committee II: Present: Victoria Almeida (Vice Chair), Raymond C. Coia, Maria R. Gil, Catherine E. Graziano, Robert J. Quigley, DC, (Chair), Larry Ross, Reverend David Shire

Not Present: James Daley, Rosemary Booth Gallogly, Wallace Gernt, Denise Panichas

Staff: Valentina D. Adamova, Michael K. Dexter, Joseph G. Miller

Public: (see attached)

1. Call to Order and Approval of Minutes

The meeting was called to order at 3:05 PM. Minutes of the 2

December 2004 Project Review Committee - II meeting were approved as submitted. Staff noted that conflict of interest forms are available to any member who may have a conflict. The Chairman stated that due to the Open Meetings Act, the minutes of the meetings have to be available to the public by the next meeting date or within thirty-five days, which ever is sooner. The Chairman stated that because the next meeting might not occur within thirty-five days or the minutes might not be available by the next meeting time, he would ask the Committee members to vote to extend the availability of minutes beyond the time frame as provided for under Open Meeting Act. A motion was made and seconded, and the motion passed by a vote of seven in favor and none opposed (7-0) that the availability of the minutes for this meeting be extended beyond the time frame as provided for under the Open Meetings Act. Those members voting in favor were: Almeida, Coia, Gil, Graziano, Quigley, Ross, Shire.

2. General Order of Business

The first item on the agenda was the presentation by Mr. Rusin, Chief of the Office of Facilities Regulation (“OFR”). Mr. Rusin distributed the licensing and bed count report for the OFR and made the following presentation to the Committee:

- o In Rhode Island the regulations split home care, home nursing care and temp nursing agencies into separate categories.**
- o Homemaker agencies that only provide homemaker services are not**

required to be licensed in the state.

o 22 out of 50 nursing care agencies licensed in the state are certified (Medicare and Medicaid program).

The Chairman stated that because this is a growing industry the Committee is concerned about how to evaluate inexperienced entities and whether it should have certain requirements. Mr. Rusin stated that the home nursing care providers are licensed entities, so there is some licensure oversight. He stated that when someone is just starting out in the business there is no baseline or research to assess them. Staff noted that in such instances the Committee looks at the applicant's character, financial standing and their nursing background.

Mr. Rusin stated that 50% of agencies are not Medicare certified and are only licensed by the state. He stated that, despite the number of facilities seeking licensure, because of the high priority on nursing homes and hospitals, resources are being dedicated to the priorities. He stated that, unfortunately, home health facilities are not being surveyed and monitored 100%. He stated that there is a federally funded home health hot line. He stated that home nursing care providers have problems with finding qualified staff, nurses and CNAs, and maintaining consistent staffing. He noted that when services are provided at home unsupervised it becomes difficult to substantiate complaints. He stated that due to recent changes, nursing pools are going to need to seek licensure as well. He stated

Medicare certification requires meeting a high bar of criteria and that after the Medicaid office reviews the agency it comes for certification to OFR.

The next item on the agenda was the application of Specialty Personnel Services, Inc. for initial licensure of a Home Care Provider Agency at 790 Charles Street in Providence. Staff summarized the application.

Mr. Hofiechter, from Specialty Personnel Services, Inc. (“Specialty”), discussed the responses to the Committee’s questions. Staff noted that the second year projections in the Business Plan vary from those identified in the application. The applicant stated that they would verify this information and provide a correct set of numbers.

Mr. Pane, President of Specialty, stated that the company currently provides the highest skilled staffing personnel to institutions, such as ICU, ER, and OR nurses among others. He stated that the proposed application is for initial licensure of a home care provider agency to provide CNA services. He stated that they are contacted by clients to provide nurses in the nursing home and subacute settings, which is similar to what needs to be done at a home health agency. He stated that family members would retain Specialty’s staff to provide individual care to a patient, also called specializing. He stated that because Specialty’s staff provides the services, the applicant is

responsible for the patient's care.

To the question regarding accreditation, the applicant stated that CHAP and JACHO are the main accrediting agencies. Mr. Pane stated that Rhode Island is going to require licensure of staffing agencies and the requirements for that licensure will far exceed the requirements for home care agencies. He stated that Specialty would seek accreditation by either CHAP or JACHO as part of that licensure requirement and this would include accreditation of the home care agency as well. He stated that the company already conducts national background checks on its employees, which exceeds the requirements. Mr. Hofiechter stated that the proposed Director of Nursing, Ms. Mellow, has 3 years of home care and over 10 years of long term care experience.

To the question regarding the time frame requirement for accreditation, the applicant stated that it is 2 years and that it would encompass all the patient care provided. Mr. Pane stated that Ms. Buis, the proposed Administrator, has experience with the accreditation process.

Mr. Coia recommended that the applicant be approved with the additional condition of approval that the proposed facility seek accreditation by a nationally recognized accrediting agency within 2 years of licensure.

A motion was made, seconded and passed by a vote of seven in favor and none opposed (7-0) to recommend that the application be approved with the additional condition of approval. Those members voting in favor of the motion were: Almeida, Coia, Gil, Graziano, Quigley, Ross, Shire.

Staff noted that this application would be on the agenda at the next Health Services Council meeting on 25 January 2005.

The next item on the agenda was the application for a change in effective control of Home Care Services of Rhode Island, Inc. located at 68 Cumberland Street in Woonsocket. Staff summarized the application. Staff noted that the applicant reversed the stock transfer that occurred prior to the request for an approval for the change in effective control.

To the question of who would act as the administrator when the administrator is not available, the applicant stated that it would be Mr. Nagel, Director of Nursing. The applicant discussed the responses, the questions regarding financial information.

Staff noted that, in addition to the information regarding charity care in the response for the years 2003 and 2004, the applicant would need to provide projections for the year 2005. The applicant agreed to provide that information.

A motion was made, seconded and passed by a vote of seven in favor

and none opposed (7-0) to recommend that the application be approved conditioned upon the receipt of the requested information. Those members voting in favor of the motion were: Almeida, Coia, Gil, Graziano, Quigley, Ross, Shire.

Staff noted that this application would be on the agenda at the next Health Services Council meeting on 25 January 2005.

The next item on the agenda was the application of Chelsea Enterprises, Inc. d/b/a Comfort Keepers for initial licensure of a Home Care Provider Agency at 155 Main Street in South Kingstown. Staff stated that the applicant currently provides services in the home that are non-medical. Staff summarized the application.

Ms. Countie, President and Administrator of Comfort Keepers, stated that the facility was established in 2002. She stated that they are a national company (part of a franchise operation). She stated that they currently provide companionship services, housekeeping, and other activities of daily living. She stated that the proposed application would allow the company to provide CNA services and would allow them to keep their current clients who require additional care. She stated that there is no licensure requirement in Rhode Island for basic non-medical services. Staff confirmed that the services that the applicant is currently providing do not require licensure.

Mr. Countie, Vice President of Comfort Keepers, stated that Ms. Countie is an RN and has experience in home care. He stated that if the application is approved the CNAs would be monitored by an RN. Ms. Countie stated that Comfort Keepers currently employees over 60 people.

The Chairman asked how many current employees are CNAs. The applicant stated that they currently do not employ CNAs because they are currently a non-medical agency and are proposing to become one.

Staff noted that the application originally included a payor mix projection of 20% for Medicare and an advisory from OFR stated that Medicare does not reimburse home care provider agencies and that the applicant subsequently revised their projection. Staff noted that the advisory further stated that all homemakers would be required to complete a training program.

Mr. Countie stated that once the facility is licensed the homemakers that are currently employed will need to undergo a 20-hour course with 5 hours of practicum. She stated that a request for a variance was made to allow time for the training of current staff but if licensed without the variance the facility might receive a deficiency during the initial licensure survey if the staff is not trained.

Staff asked if the applicant was saying that it would receive a

deficiency on the initial survey and then would be given time to come into compliance during which it will train the staff and be in compliance on a revisit. The applicant confirmed this. Mr. Countie stated that they are in the process of hiring an additional RN to assist with the training. He also noted that training is not allowed to be started until after the facility is licensed.

The Chairman requested that the applicant provide to the Committee a copy of the training information that is currently required by Comfort Keepers. The applicant agreed to provide that and would in addition provide a copy of the policy and procedures.

Staff stated that the applicant is part of a franchise and asked if there is any oversight. The applicant stated that there are regional managers and the corporate office receives monthly financial information and royalties. The applicant stated that regional managers review each facility's performance, and if there are any issues then the facility is contacted by the regional manager.

To the question if there have been any complaints from their clients, the applicant answered no. The applicant stated that they already have all the necessary insurance in place for their current employees and for the proposed CNAs. To the question regarding their service area, the applicant responded that they service the whole state and the office is located in South Kingstown and a holding office in Barrington is used for interviews, trainings and meetings.

Staff inquired whether the applicant would be seeking accreditation by a nationally recognized accrediting agency, and the applicant agreed that they would seek accreditation as a condition of approval.

To the question regarding the financial projection, the applicant stated that those projections represent their current level of business, and that CNAs would not add much to the current projections in the first year.

A motion was made, seconded and passed by a vote of seven in favor and none opposed (7-0) to recommend that the application be approved with the additional condition of approval regarding accreditation. Those members voting in favor of the motion were: Almeida, Coia, Gil, Graziano, Quigley, Ross, Shire.

Staff noted that this application would be on the agenda at the next Health Services Council meeting on 25 January 2005.

There being no further business the meeting was adjourned at 4:20 PM.

Respectfully submitted,

Valentina D. Adamova